



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: T. Sauter Attorney Docket No. KTWO111889
Application No.: 09/145,381 Group Art Unit: 3619
Filed: September 1, 1998 Examiner: D. Herron II
Title: VIBRATION DAMPENING SKATE FRAME

DECLARATION UNDER 37 C.F.R. §1.131

Seattle, Washington 98101

April 10, 2000

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

I, Tom Sauter, hereby state:

1. I am the applicant in the above-identified application for patent and the sole inventor of the subject matter described and claimed therein.

2. I am an engineer at K-2 Corporation, assignee of the above-identified application.

3. My above-identified application was filed on September 1, 1998.

4. I am aware of and have reviewed an Office Action dated December 8, 1999, in which Claims 1, 14-16, 20, 21, 26-28, 32, and 34 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent No. 5,934,692, issued to Artus. The referenced U.S. patent issued on August 10, 1999, on an application filed December 9, 1996.

5. I hereby attest that the invention, as set forth in the rejected claims, was conceived in the United States prior to the December 9, 1996, filing date of the patent issued to Artus. I further attest that conception of the invention as claimed was coupled with due diligence from prior to the December 9, 1996, filing date of the Artus patent to the September 1, 1998, filing date of the above-referenced application. Attached hereto as Exhibit A is a copy of drawings that evidence the complete conception of my invention. FIGURE 1 of Exhibit A, created by me, illustrates a skate frame having contoured sidewalls for absorbing vibrational energy associated with traversing a surface. Note the

-1-

V11889AM2

CHRISTENSEN
O'CONNOR
JOHNSON
KINDNESS PLLC

LAW OFFICES

1410 FIFTH AVENUE
SUITE 1200
SEATTLE, WASHINGTON 98101-3147
TELEPHONE (206) 463-8100

1 stated objective of "frame flexibility dampens vibrations from the road surface." FIGURES 2-6 of
2 Exhibit A are more detailed drawings of the invention or are alternate embodiments of the skate frame
3 of FIGURE 1. Included as Exhibit B is an invention disclosure form, dated July 25, 1997, to Darren J.
4 Jones, Esq., vice president and general counsel for K-2 Corporation regarding the claimed invention.
5 Included as Exhibit C is a letter, dated January 22, 1998, from Darren Jones to Marcia Kelbon, Esq.,
6 regarding a request for the preparation of a patent application based on the disclosure material for the
7 subject skate frame. The documents of Exhibit A have been redacted to remove dates. Further, certain
8 material from Exhibits A-C have been redacted to remove attorney-client privileged material.

9 6. The drawings and evidence of due diligence were all created in the United States.

10 I hereby further declare that all statements made herein of my own knowledge are true and that
11 all statements made on information and belief are believed to be true; and, further, that these statements
12 were made with the knowledge that willful false statements and the like so made are punishable by fine
13 or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false
14 statements may jeopardize the validity of the application or any patent issued thereon.

15
16 DATED this 40 day of APRIL, 2000.

17
18 
19 Tom Sauter

20 JDD:mgr
21
22
23
24
25